



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

January 5, 2021

Chairman Jim Whitin called the meeting to order at 6:02 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett were in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:

An audio recording of this meeting is posted on the town's website. (www.westport-ma.gov)

Call to order 6:00 p.m.

1. Administrative Items

- a. Appointment of Ann Boxler to the Master Plan Update/Review Committee.

Motion

Schmid moved to appoint Ann Boxler to the Master Plan Update/Review Committee. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- b. Lafrance Hotel (19-004SPA) – Request for final approval and release of surety.

Sean Lafrance of Lafrance Enterprises was present virtually. He mentioned he met with the architect to review the punch list items from S.W. Cole and a letter was forwarded to the Planning Department with the comments. The pedestrian crossing sign was been installed.

Hartnett reviewed the site plan and mentioned the pedestrian cross-walk sign that the Board suggested was installed at the Old Bedford Road sidewalk. He mentioned the applicant also provided a letter from the state granting access through the right of way. Hartnett mentioned S.W. Cole noted the patch on Old Bedford Road has not been sealed and will check with Chris Gonsalves from the Highway Department to verify if it is required.

Schmid commented he noted S.W. Cole's comment that the plantings would not achieve proper rooting. Lafrance mentioned the landscaper would replace any plantings that do not root or die due to the season they were planted in.

Motion

Daylor moved to grant final approval for the Lafrance Hotel and Storage Lot site plans and release the cash surety of \$5,000, plus interest and release of the construction inspection funds upon receipt of the final

invoice from S.W. Cole and the receipt of the corrected As-Built Plan. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

c. Chapter 91 License (20-011CH91) – 1334-d Drift Road – Janis O. Semine.
No action is needed by the Board.

2. Matters not reasonably anticipated.

Whitin mentioned the Town Administrator asked the Planning Department to resubmit the FY22 budget removing the Assistant Planner position that was budgeted. Hartnett added that all town departments were asked to exclude new positions due to the town's budget shortfall.

3. Planners Report.

Hartnett updated the Board on the following items:

- The decision for the Special Permit for Coastal Healing needs to be acted upon. The Board will meet on January 19, 2021, at 4:00.
- There will be a conference call with Kleinfelder on Friday, January 8, 2021, at 2:30 to discuss the next steps, estimates, and design.
- Monday, January 11, 2021, there is a conference call with Dan Gilmore from DEP and the Woods Hole Group to discuss short term and long term permitting for East Beach.
- Tuesday, January 12, 2021, @ 6:00 P.M. Buzzards Bay Coalition will be hosting a meeting for Cadman's Neck and The Let with the denitrification and cluster type septic systems.
- Jim Whitin, Bob Daylor, and Jim Hartnett had a meeting with Russ Burke from BSC Group to discuss the Zoning in the Route Six area. A proposal may be submitted this week.
- A solar plan modification was received for Route 88 Solar on Frederick Lane to be discussed at the January 26, 2021 meeting.
- The Horseneck Road Solar project is in the design stage and will be moving forward with submitting plans shortly.
- Revised plans for Soules Way will be submitted reducing the clearing areas and setbacks to meet the zoning requirements.
- A seven lot subdivision for 431 Fisher Road was submitted.
- The Board of Selectman referred the Floodplain Zoning By-Laws back to the Planning Board for a public hearing possibly for February 9, 2021.

Whitin asked about the revision for the marijuana definitions that was referred back from the Selectman. Hartnett commented that the Attorney General's office recommended re-wording the definition of medical marijuana so that it permits "for-profit" businesses. The proposed wording would be consistent with the new state definition.

Whitin mentioned the Selectboard was going to address the release of the Chapter 61A property on Briggs Road. Hartnett added a few committees were questioning the release.

4. Correspondence.

None

5. Minutes.

December 15, 2020

Motion

Daylor moved to approve the minutes as written. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

6. Invoices.

None.

Recess at 6:30

Motion

Whitin motioned to recess and reconvene at 6:55 p.m. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

7:00 p.m. Public Hearing

7. Pursuant to the provisions of MGL Ch. 40A § 5 and Section 2.2 of the Westport Zoning By-laws, the Westport Planning Board will hold a virtual public hearing on **January 5, 2021, at 7:00 p.m.** The purpose of the hearing is to accept public comments on the following proposed amendments to the Town of Westport Zoning By-laws. **These amendments were presented at the Planning Board public hearing held on December 1, 2020, this hearing has been re-noticed to correct a defect in the previous advertisement:**

Amendment 1.

Item 1. To amend Section 9.9 Marijuana Establishments. The proposed amendments would require Medical and Non-Medical Marijuana Establishments to locate only in the Science and Technology District (STOD) or the Adult Entertainment Overlay District (AEOD). Additional dimensional requirements have been added including a maximum building height of 40' and a minimum setback from residential use of 500'.

Item 2. To amend Section 3 Definitions. The proposed amendment would define Marijuana Microbusiness and Marijuana Transporter.

Item 3. To amend Section 5.1 Table of Use Regulations. The proposed amendment would update the Table of Uses for Marijuana Establishments.

Amendment 2.

Item 1. To amend Section 9.9 Marijuana Establishments. The proposed amendment would prohibit Non-Medical Marijuana Establishments from locating in Westport. **Non-Medical Marijuana Establishments shall be permitted provided a Non-Medical Marijuana Special Permit was approved for the site by the Planning Board prior to May 4, 2021.**

Item 2. To amend Section 5.1 Table of Use Regulations. The proposed amendment would update The Table of Uses for Marijuana Establishments.

Hartnett commented that Zoning Amendments are required to be advertised two times in consecutive weeks, the original public hearing held on December 1, 2020, was advertised correctly 14 days prior to the meeting but was not advertised a second time. To correct this defect the zoning amendments were re-advertised with a new public hearing date. This second advertisement included the language

with the exclusion of existing Non-medical marijuana establishments that were questioned during the last public hearing. The two amendments are almost identical to what was advertised and discussed at the last public hearing and he recommends a positive recommendation for both amendments.

Hartnett commented that the Town cannot unreasonably regulate marijuana facilities or establishments if they are allowed in town.

Hartnett mention medical and non-medical marijuana facilities can be located in the business districts throughout the town, Amendment 1 proposes to regulate medical and non-medical in the STOD & AEOD districts along Route 6. Amendment 2 would prohibit non-medical marijuana establishments in town. There would be an exception for establishments approved prior to May 4, 2021. He suggested separating the exception into a separate item or zoning article so that it could be voted on separately.

R. Michael Sullivan of 149 Cherry & Webb Lane was present virtually. Sullivan commented that he was in favor of amendment number 1. He was not in favor of the exception that would allow one company to operate.

Attorney Brian Corey was present virtually. Attorney Corey added his client has been cooperative in following the By-Laws.

Michael Sullivan of 1380-M Drift Road was present virtually. Sullivan expressed his concern that the May 2021 date was too restrictive to have the appropriate permits in place in a short amount of time.

Jay Caroselli of 44 Brookwood Drive was present virtually. Caroselli was in favor of separating Amendment 2 so that the exception could be voted on separately at the Town meeting.

Diego Bernal of 39 Glen Road was present virtually. Bernal commented he was in favor of the May 4th date for the local permitting but did not believe all permits had to be in place before May 4th.

R. Michael Sullivan questioned the reason why the public hearing on this matter was advertised three times. Hartnett explained that there was a defect in the notice, the first public hearing was only advertised once. He went on to state that advertising for the second public hearing did not give an advantage to any establishments, since the permits would be acted upon after the first advertisement. Whitin asked if the state would allow additional time after the deadline due to Covid. Hartnett will look into that.

Steve Ouellette of 25 Maple Street was present virtually and asked how the vehicular traffic will be handled. Whitin mentioned the hearing has been closed. Daylor commented this facility will be by appointment only and is regulated in that manner, whereas the other facilities are not appointment only.

Attorney Corey clarified the non-medical facility will also be by appointment only.

Motion

Bullard moved to close the public hearing. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

Motion

Bullard moved to recommend Amendment One for Town Meeting to include Item 1, Item 2, and Item 3. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

Motion

Bullard moved to recommend Amendment 2 to include the exception for Non-Medical Marijuana Establishments provided a Non-Medical Marijuana Special Permit was approved for the site by the Planning Board prior to May 4, 2021, and it receives all other local and state permits. Seconded by Daylor.

Soares moved to amend the motion by moving item 2 (provision for an exception) into a separate Town Meeting Article, seconded by Whitin. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye, and the motion to amend carried 5-0.

Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye, and the original motion as amended carried 5-0.

Adjournment

The members unanimously adjourned at 8:08 p.m.

Respectfully submitted,

James Hartnett, Town Planner
Nadine Castro, Assistant Town Planner II